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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,388	08/05/2003	Jeroen Siebrand Wellen	Wellen 5	6522
46363	7590	09/21/2007		
PATTERSON & SHERIDAN, LLP/ LUCENT TECHNOLOGIES, INC 595 SHREWSBURY AVENUE SHREWSBURY, NJ 07702			EXAMINER SEDIGHIAN, REZA	
			ART UNIT 2613	PAPER NUMBER
			MAIL DATE 09/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/634,388	Applicant(s) WELLEN, JEROEN SIEBRAND	
	Examiner M. R. Sedighian	Art Unit 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/25/07 and RCE of 7/18/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-18 is/are allowed.
- 6) ☒ Claim(s) 19-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. This communication is responsive to applicant's 5/25/07 amendments and remarks.

Claims 1-22 are now pending.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Mazzurco et al. (US Patent No: 7,158,720 B1).

Regarding claim 19, Mazzurco teaches a method for protecting an optical access network (col. 1, lines 16-17) comprising a plurality of optical network units (NEs 12, fig. 6) connected to an optical line terminal (12a, fig. 6) in a ring topology (the ring network 14, fig. 6) in which the optical network units are connected together in series (12f, 12e, 12d, 12c, fig. 6), the optical line terminal (12a, fig. 6) being connected to a first optical unit in the series and a last optical network unit in the series (for example, optical line terminal 12a is connected to a first optical network unit 12f and to the last optical network unit 12c or 12j), and wherein each of the connection to and from each optical network unit is via protection switch (col. 2, lines 40-53, col. 8, lines 15-19), the method comprising: monitoring (33, fig. 10) the connection from the optical network units to detect a loss of signal from the optical network units (col. 4, lines 21-30, col. 6, lines 5-9); and responsive to the detection of loss of signal from a respective optical network unit (col. 4, line 21-22), switching (col. 4, lines 23-24) the respective optical network unit out of the series

such that continuity of the ring topology is maintained among remaining of the plurality of optical network units (col. 4, lines 26-27, note that by implementing ring switching, the communication still maintained between all the network units 12e, 12f, 12c, 12d making a ring network through the connecting fibers 14, as it is shown in fig. 6).

Regarding claim 20, Mazzurco teaches when an optical network unit is switched out, connecting together the connections to and from the optical network unit (col. 4, lines 21-30).

Regarding claim 21, Mazzurco teaches monitoring optical signals in the ring to detect loss of signal in the ring (col. 6, lines 5-10); and toggling switches in the protection switch in the event of a loss of signal in the ring to identify a faulty connection (col. 4, lines 23-27, col. 6, lines 32-35).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mazzurco et al. (US Patent No: 7,158,720 B1).

Regarding claim 22, Mazzurco differs from the claimed invention in that Mazzurco does not specifically disclose monitoring optical signals in the ring to detect malicious or unauthorized usage of an optical network unit, and responsive to the detection of malicious or unauthorized usage, switching the optical network unit out of the network. Mazzurco discloses a shared protection span can be used to correct simultaneous failures on both rings (col. 5, lines

10-13). Mazzurco further discloses a control circuitry that receives signals indicating failed working spans/channels and controls the transfer of channels from the incoming working spans and protection (col. 6, lines 5-9). Accordingly, it would have been obvious to a person of ordinary skill in the art at the time of invention that an optical communication system with fault recovery and protection switching, such as the one of Mazzurco, can monitor optical signals to detect malicious or unauthorized usage of an optical network unit, and in response to detection of such malicious or unauthorized usage, switch the optical network unit out of the network to carry communication traffic between all the nodes of the network.

6. Claims 1-18 are allowed over prior art of record.

7. Applicant's arguments with respect to claims 1, 10, and 19 have been considered but are moot in view of the new ground(s) of rejection.

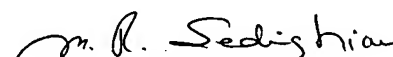
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. R. Sedighian whose telephone number is (571) 272-3034. The examiner can normally be reached on M-F (from 9 AM to 5 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


M. R. SEDIGHIAN
PRIMARY EXAMINER